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Attorney Docket: Cyto-Nozzle-Div

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE  
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In Re the Application of:	Ger Van den Engh	
Serial Number:	Original: 08/323,270 Parent (CPA): 08/627,963	New: 09/689,585 ✓
Filed:	Original: October 14, 1994 Parent (CPA): September 8, 1997	New: October 12, 2000
For:	Flow Cytometer Droplet Formation System  [Old Title: High Speed Flow Cytometer Droplet Formation System]	
Group Art Unit:	Original: 1809 Parent: 1743	New: 1743
Examiner:	Original: J. Housel Parent: J. Ludlow	New: B. Monroe
Assignee:	University of Washington	

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**LETTER OF TRANSMITTAL**

Assistant Commissioner for Patents and Trademarks  
Office of Initial Patent Examination  
Washington, D.C. 20231

Sir:

Enclosed for filing are:

- a. A Response to Missing Parts of Nonprovisional Application entitled "Flow Cytometer Droplet Formation System";
- b. a copy of the Notice to File Missing Parts of Nonprovisional Application;
- c. a copy of the divisional Transmittal Letter, showing that the Declaration was filed with the divisional application;

- d. a copy of the original Divisional Cover Sheet for Copy of Original Application Declaration; a copy of the Declaration for Patent Application, as filed in the original application, pursuant to Rule 1.63(d)(1)(i-iv); and a copy of the Certificate of Express Mailing for the Declaration for Patent Application;
- e. a copy of the Post Card sent with the divisional application;
- f. the Request for Filing Receipt Correction;
- g. Certificates of Mailing for each document;
- h. a post card confirmation of receipt; and
- I. this Letter of Transmittal.

Please confirm receipt of the documents by applying your date stamp and serial number on the enclosed postcard and returning it to me.

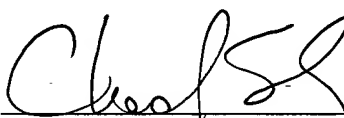
I have this 3<sup>rd</sup> day of January, 2001, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Office of Initial Patent Examination, Washington, D.C. 20231.

**Please address all future correspondence to: Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, CO 80521.**

Dated this 3<sup>rd</sup> day of January, 2001.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By:   
Chad Soliz  
ATTORNEY FOR APPLICANT  
PTO No. 47,101  
125 South Howes, Third Floor  
Fort Collins, Colorado 80521  
(970) 224-3100



Attorney Docket: Cyto-Nozzle-Div

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

In Re the Application of: Ger Van den Engh

Serial Number: Original: 08/323,270 New: 09/689,585  
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[Old Title: High Speed Flow Cytometer Droplet Formation System]

Group Art Unit: Original: 1809 New: 1743  
Parent: 1743

Examiner: Original: J. Housel New: B. Monroe  
Parent: J. Ludlow

Assignee: University of Washington

**CERTIFICATE OF MAILING**

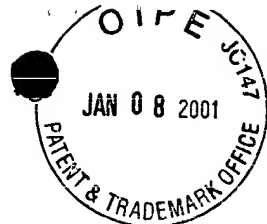
I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Letter of Transmittal with the United States Postal Service for mailing to the Assistant Commissioner for Patents, Office of Initial Patent Examination, Washington, D.C. 20231.

Dated this 3<sup>rd</sup> day of January, 2001.

Cheryl A. Swanson



Attorney Docket: Cyto-Nozzle-Div

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

In Re the Application of: Ger Van den Eng

Serial Number: Original: 08/323,270 New: 09/689,585  
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Examiner: Original: J. Housel New: B. Monroe  
Parent: J. Ludlow

Assignee: University of Washington

**RESPONSE TO NOTIFICATION OF MISSING PARTS OF NONPROVISIONAL  
APPLICATION FILED UNDER 37 CFR 1.53(b)**

The Notification of Missing Parts of Nonprovisional Application, mailed December 20, 2000,  
(copy attached) has required two items:

- i) that the applicant furnish a new oath or declaration executed in accordance with 37 CFR 1.63; and
- ii) a \$65.00 late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e).

As to the Oath or Declaration, a copy of the original Declaration for Patent Application was properly submitted with the filing of the nonprovisional divisional application. Enclosed, as sent

with the divisional application, are a copy of the divisional transmittal letter; a copy of the divisional cover sheet for the declaration; a copy of the Declaration for Patent Application, as filed in the original application, pursuant to Rule 1.63(d)(1)(i-iv); a copy of the Divisional Certificate of Express Mailing for the declaration; and a copy of the divisional post card.

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As to the \$65.00 late filing fee or oath or declaration surcharge, since the copy of the Declaration for Patent Application was properly filed with the application, it is believed that no fee is required. Additionally, per a conversation with Diane of the Initial Patent Examination division on December 28, 2000, a late fee, pursuant to 37 C.F.R. § 1.16(c), is not required. If it is determined that a fee is required, Applicant's representative will pay the fee in due course upon notice that such fee is due. Applicant requests notification of the completeness of the application as soon as practicable such that additional correspondence or required fees, if any, may be pursued prior to the 2-month deadline set in the Notice of Filing Missing Parts (February 20, 2001).

### CONCLUSION

Thus, it is believed that this response addresses all outstanding requirements and should place the application in a condition for complete examination.

Dated: January <sup>3<sup>rd</sup></sup>~~2~~, 2001.

Respectfully submitted,

SANTANGELO LAW OFFICES, P.C.

BY: 

Chad Soliz

ATTORNEY FOR APPLICANT

PTO No. 47,101

125 South Howes, Third Floor

Fort Collins, Colorado 80521

(970) 224-3100



Attorney Docket: Cyto-Nozzle-Div

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

In Re the Application of: Ger Van den Eng

Serial Number: Original: 08/323,270 New: 09/689,585  
Parent (CPA): 08/627,963

Filed: Original: October 14, 1994 New: October 12, 2000  
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Group Art Unit: Original: 1809 New: 1743  
Parent: 1743

Examiner: Original: J. Housel New: B. Monroe  
Parent: J. Ludlow

Assignee: University of Washington

**CERTIFICATE OF MAILING**

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Response to Notification of Missing Parts of Nonprovisional Application Filed under 37 CFR 1.53(b) with the United States Postal Service for mailing to the Assistant Commissioner for Patents, Office of Initial Patent Examination, Washington, D.C. 20231.

Dated this 3<sup>rd</sup> day of January, 2001.

Cheryl A. Swanson



UNITED STATES PATENT AND TRADEMARK OFFICE

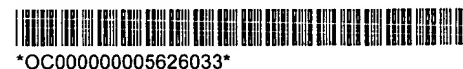


COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/689,585	10/12/2000	Ger Van den Engh	Cyto-Nozzle-Div

Santangelo Law Offices PC  
125 South Howes  
Third Floor  
Fort Collins, CO 80521

# FORMALITIES LETTER



\*OC000000005626033\*

Date Mailed: 12/20/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- o **The balance due by applicant is \$ 65.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Attorney Docket: Cyto-Nozzle-Div

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

In Re the Application of: Ger-Van-den-Eng

Serial Number: Original: 08/323,270 New: 09/689,585  
Parent (CPA): 08/627,963

Filed: Original: October 14, 1994 New: October 12, 2000  
Parent (CPA): September 8, 1997

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[Old Title: High Speed Flow Cytometer Droplet Formation System]

Group Art Unit: Original: 1809 New: 1743  
Parent: 1743

Examiner: Original: J. Housel New: B. Monroe  
Parent: J. Ludlow

Assignee: University of Washington

**CERTIFICATE OF MAILING**

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached a copy of the Notice to File Missing Parts of Nonprovisional Application; with the United States Postal Service for mailing to the Assistant Commissioner for Patents, Office of Initial Patent Examination, Washington, D.C. 20231.

Dated this 3<sup>rd</sup> day of January, 2001.

Cheryl A. Swanson





COPY

Express Mail No: EL696071020US  
Attorney Docket: Cyto-Nozzle-Div

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

In Re the Application of: Ger Van den Engh

Serial Number: Original: 08/323,270 New: \_\_\_\_\_  
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Parent: 1743

Examiner: Original: J. Housel New: \_\_\_\_\_  
Parent: J. Ludlow

Assignee: University of Washington

LETTER OF TRANSMITTAL

Divisional Application under 35 U.S.C. §§ 120 and 121 and 37 C.F.R. 1.53(b)

Assistant Commissioner for Patents and Trademarks  
Box Patent Application  
Washington, D.C. 20231

Sir:

Enclosed for filing is a divisional application under 35 U.S.C. §§ 120 and in accordance with 121, 37 C.F.R. 1.53(b), and MPEP 201.06(c), for an invention newly entitled "Flow Cytometer Droplet Formation System" including the following documents:

- a. a Preliminary Amendment -- which should be entered prior to calculation of the fee for this application -- and which adds, among other aspects, the statement that this application is to be considered a divisional application and amends the title;

- b. a copy of the Specification of the original application consisting of 38 pages as originally filed with no new matter added as required pursuant to 37 C.F.R. §1.53(b) and MPEP 201.06(c). For the convenience of the Office, a cover sheet has been added to the copy to indicate the new caption and title and thus minimize the risk of loss in the event documents are separated from the file;

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- c. a copy of 5 sheets of drawings as presented in the original application with no new matter added as required pursuant to 37 C.F.R. § 1.53 (b) with the newly attached cover sheet;
- d. a copy of the Declaration for Patent Application, as filed in the original application, pursuant to Rule 1.63(d)(1)(i-iv), with the newly attached cover sheet;
- e. a true and correct copy of the assignment of patent rights filed in the original application, including the notice of recordation and recording cover sheet recorded on October 14, 1994 to University of Washington, recorded at reel/frame: 7324/0964 pursuant, to 37 C.F.R. §3.21 and MPEP §306, with newly attached cover sheet;
- f. copies of the original application Power of Attorney from Cytomation, Inc. and attached to it the Correspondence Address Change pursuant to Rule 1.63(d)(4) with the newly attached cover sheet;
- g. copies of the original application Power of Attorney from University of Washington and attached to it the Correspondence Address Change pursuant to Rule 1.63(d)(4) with the newly attached cover sheet;
- h. copies of the original application Power of Attorney from Ger Van den Engh and attached to it the Correspondence Address Change pursuant to Rule 1.63(d)(4) with the newly attached cover sheet;
- i. a newly executed Associate Power of Attorney under 37 C.F.R. §1.34(b);
- j. It should be noted that small entity status was established in the original application relied upon for priority in the present application. Small entity status remains appropriate and is hereby claimed for this application under to 37 CFR 1.28. No copies of the documents establishing small entity status in the original application are filed. Pursuant to MPEP 201.06(c) no copy is necessary;
- k. an Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.97 and 1.98 listing references including those cited in the parent and original applications, and including copies of those references not cited in the parent case. It is understood that all the Information Disclosure Statements and art cited by the parent and original applications will be considered in this division application pursuant to 37 C.F.R. §1.98(d);
- l. a firm check payable to the Commissioner of Patents and Trademarks in the amount of \$661.00, along with an attached fee calculation sheet;

m. Express Mail Certificates for each document; and

n. this Letter of Transmittal

Please process this application as a divisional application under 35 U.S.C. §§ 120 and 121 and 37 C.F.R. 1.53(b) or otherwise as appropriate. Please confirm receipt of the documents by applying your date stamp and serial number on the enclosed postcard and returning it to me.

I have this 12 day of October, 2000, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

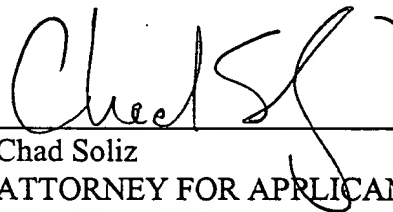
Please address all future correspondence to: Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, CO 80521.

Dated this 12 day of October, 2000.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By:

  
Chad Soliz  
ATTORNEY FOR APPLICANT  
PTO No. 47,101  
125 South Howes, Third Floor  
Fort Collins, Colorado 80521  
(970) 224-3100



Attorney Docket: Cyto-Nozzle-Div

IN THE UNITED STATES PATENT AND  
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In Re the Application of: Ger Van den Engh

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Parent: J. Ludlow

Assignee: University of Washington

**CERTIFICATE OF MAILING**

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached copy of the original transmittal letter filed with the original Divisional application on October 12, 2000, with the United States Postal Service for mailing to the Assistant Commissioner for Patents, Office of Initial Patent Examination, Washington, D.C. 20231.

Dated this 3<sup>rd</sup> day of January, 2001.

Cheryl A. Swanson



Express Mail No: EL696071020US  
Attorney Docket: Cyto-Nozzle-Div

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Parent: 1743

Examiner: Original: J. Housel New: \_\_\_\_\_  
Parent: J. Ludlow

Assignee: University of Washington

CERTIFICATE OF EXPRESS MAILING

I, Shannon Nation-Kammerer, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited a copy of the Declaration for Patent Application of "High Speed Flow Cytometer Droplet Formation System" filed in the original application, pursuant to Rule 1.63(d)(1)(i-iv) and a cover sheet with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated this 12 day of October, 2000.

Shannon N. Nation-Kammerer



Attorney Docket: Cyto-Nozzle-Div

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

In Re the Application of: ~~Ger Van den Engh~~

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   Parent:      J. Ludlow

Assignee:                                      University of Washington

\_\_\_\_\_

**DIVISIONAL COVER SHEET\***

**FOR**

**COPY OF ORIGINAL APPLICATION DECLARATION**

- \* This Divisional Cover Sheet is provided for the convenience of Patent Office personnel, to indicate the new caption and title and thus minimize the risk of loss in the event documents are separated from the file.